

UNITED STATES DISTRICT COURT
for the
District of Minnesota

David Stock Farm Services, Inc.

)

Plaintiff

)

v.

)

Natural Resources Conservation Service and
United States Department of Agriculture

)

Defendant

)

Civil Action No.

09-902 PJS/RLE

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) NATURAL RESOURCES CONSERVATION SERVICE, United States
Department of Agriculture, 375 Jackson Street, Suite 600, St. Paul, MN 55101

UNITED STATES DEPARTMENT OF AGRICULTURE, 1400 Independence
Avenue SW, Washington D.C. 20250

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

H. Morrison Kershner
Pemberton, Sorlie, Rufer & Kershner, P.L.L.P.
110 North Mill Street, P.O. Box 866
Fergus Falls, MN 56538-0866
Telephone: 218-736-5493
Email: m.kershner@pemlaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 4-20-09

Memorials
Signature of Clerk or Deputy Clerk

Dated: April 27, 2009

s/ H. Morrison Kershner, No. 55426

Attorneys for Plaintiff
PEMBERTON, SORLIE, RUFER
& KERSHNER, P.L.L.P.
110 North Mill Street, P.O. Box 866
Fergus Falls, MN 56538-0866
Telephone: 218-736-5493
Facsimile: 218-736-3950
m.kershner@pemlaw.com

HMK:vks
2009-4112

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) _____ Natural Resources Conservation Service and
was received by me on (date) _____ United States Department of Agriculture

I personally served the summons on the individual at (place) _____ on (date) _____; or

I left the summons at the individual's residence or usual place of abode with (name) _____, a person of suitable age and discretion who resides there, on (date) _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____

I returned the summons unexecuted because ; or

Other (specify): /and complaint
I served the summons by Certified Mail - Return Receipt Requested upon the following
Natural Resources Conservation Service, received on April 29, 2009, Exhibit A attached.
U.S. Department of Agriculture, received on May 7, 2009, Exhibit B attached.
U.S. Attorney's Office, received on April 29, 2009, Exhibit C attached.
National Appeals Division, received on May 1, 2009, Exhibit D attached.
My fees are \$ for travel and \$ for services for a total of \$ 0.00.

United States Attorney General, received on May 6, 2009, Exhibit E attached.

I declare under penalty of perjury that this information is true.

Date: July 8, 2009

-Server's signature

s/ H. Morrison Kershner, No. 55426
s/ Joshua M. Heggen, and No. 0387834
Attorneys for Plaintiff
PEMBERTON, SORLIE, RUFER
& KERSHNER, P.L.L.P.
110 North Mill Street, P.O. Box 86
Fergus Falls, MN 56538-0866
Telephone: 218-736-5493
Facsimile: 218-736-3950
m.kershner@pemlaw.com
j.heggen@pemlaw.com

Additional information regarding attempted service, etc:

7006 0810 0006 0501 5324

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 7
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.24

Postmark
6006 27 APR 2006
FERNDALE, MI 48326

Sent To
NRCS, USDA
 Street, Apt. No.;
 or PO Box No. **375 Jackson Street, Suite 600**
 City, State, ZIP+4
St. Paul, MN 55101

PS Form 3800, June 2002

See Reverse for Instructions

VHS 3009-4113

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**NRCS
USDA
375 Jackson Street
Suite 600
St. Paul, MN 55101**

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Carolyn Krick Agent
 Addressee

B. Received by (Printed Name)
Carolyn Krick Date of Delivery
4-29-09

C. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 0810 0006 0501 5324

Domestic Return Receipt

PS Form 3811, February 2004

102595-02-M-1540



8902 0501 0000 0000 3110 5005

**U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		\$ 6.24

Postmark
Here
APR 27 2009
U.S. POSTAL SERVICE

Sent To
USDA
Street, Apt. No.,
or PO Box No.
1400 Independence Ave SW
City, State, ZIP+4
Washington D.C. 20250

PS Form 3800, June 2002
See Reverse for Instructions

VKS 2009-4113

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

USDA
1400 Independence Ave SW
Washington D.C.
20250

2. Article Number
(Transfer from service label)

7005 3110 0000 0501 8902

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Alison Loper* Agent Addressee

B. Received by (Printed Name) *Alison Loper* C. Date of Delivery *5/1/09*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004
Domestic Return Receipt
102595-02-M-1540

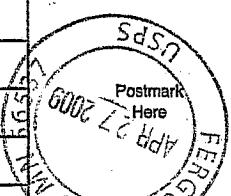
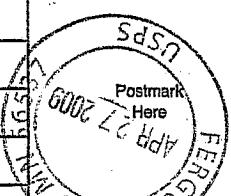


U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

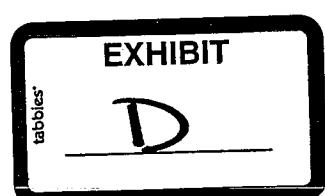
For delivery information visit our website at www.usps.com

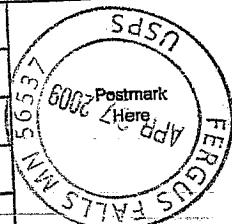
OFFICIAL USE

00001	00002	00003	00004	00005	00006	00007	00008	00009	00010	00011	00012	00013	00014	00015	00016	00017	00018	00019	00020	00021	00022	00023	00024	00025	00026	00027	00028	00029	00030	00031	00032	00033	00034	00035	00036	00037	00038	00039	00040	00041	00042	00043	00044	00045	00046	00047	00048	00049	00050	00051	00052	00053	00054	00055	00056	00057	00058	00059	00060	00061	00062	00063	00064	00065	00066	00067	00068	00069	00070	00071	00072	00073	00074	00075	00076	00077	00078	00079	00080	00081	00082	00083	00084	00085	00086	00087	00088	00089	00090	00091	00092	00093	00094	00095	00096	00097	00098	00099	000100	000101	000102	000103	000104	000105	000106	000107	000108	000109	000110	000111	000112	000113	000114	000115	000116	000117	000118	000119	000120	000121	000122	000123	000124	000125	000126	000127	000128	000129	000130	000131	000132	000133	000134	000135	000136	000137	000138	000139	000140	000141	000142	000143	000144	000145	000146	000147	000148	000149	000150	000151	000152	000153	000154	000155	000156	000157	000158	000159	000160	000161	000162	000163	000164	000165	000166	000167	000168	000169	000170	000171	000172	000173	000174	000175	000176	000177	000178	000179	000180	000181	000182	000183	000184	000185	000186	000187	000188	000189	000190	000191	000192	000193	000194	000195	000196	000197	000198	000199	000200	000201	000202	000203	000204	000205	000206	000207	000208	000209	000210	000211	000212	000213	000214	000215	000216	000217	000218	000219	000220	000221	000222	000223	000224	000225	000226	000227	000228	000229	000230	000231	000232	000233	000234	000235	000236	000237	000238	000239	000240	000241	000242	000243	000244	000245	000246	000247	000248	000249	000250	000251	000252	000253	000254	000255	000256	000257	000258	000259	000260	000261	000262	000263	000264	000265	000266	000267	000268	000269	000270	000271	000272	000273	000274	000275	000276	000277	000278	000279	000280	000281	000282	000283	000284	000285	000286	000287	000288	000289	000290	000291	000292	000293	000294	000295	000296	000297	000298	000299	000300	000301	000302	000303	000304	000305	000306	000307	000308	000309	000310	000311	000312	000313	000314	000315	000316	000317	000318	000319	000320	000321	000322	000323	000324	000325	000326	000327	000328	000329	000330	000331	000332	000333	000334	000335	000336	000337	000338	000339	000340	000341	000342	000343	000344	000345	000346	000347	000348	000349	000350	000351	000352	000353	000354	000355	000356	000357	000358	000359	000360	000361	000362	000363	000364	000365	000366	000367	000368	000369	000370	000371	000372	000373	000374	000375	000376	000377	000378	000379	000380	000381	000382	000383	000384	000385	000386	000387	000388	000389	000390	000391	000392	000393	000394	000395	000396	000397	000398	000399	000400	000401	000402	000403	000404	000405	000406	000407	000408	000409	000410	000411	000412	000413	000414	000415	000416	000417	000418	000419	000420	000421	000422	000423	000424	000425	000426	000427	000428	000429	000430	000431	000432	000433	000434	000435	000436	000437	000438	000439	000440	000441	000442	000443	000444	000445	000446	000447	000448	000449	000450	000451	000452	000453	000454	000455	000456	000457	000458	000459	000460	000461	000462	000463	000464	000465	000466	000467	000468	000469	000470	000471	000472	000473	000474	000475	000476	000477	000478	000479	000480	000481	000482	000483	000484	000485	000486	000487	000488	000489	000490	000491	000492	000493	000494	000495	000496	000497	000498	000499	000500	000501	000502	000503	000504	000505	000506	000507	000508	000509	000510	000511	000512	000513	000514	000515	000516	000517	000518	000519	000520	000521	000522	000523	000524	000525	000526	000527	000528	000529	000530	000531	000532	000533	000534	000535	000536	000537	000538	000539	000540	000541	000542	000543	000544	000545	000546	000547	000548	000549	000550	000551	000552	000553	000554	000555	000556	000557	000558	000559	000560	000561	000562	000563	000564	000565	000566	000567	000568	000569	000570	000571	000572	000573	000574	000575	000576	000577	000578	000579	000580	000581	000582	000583	000584	000585	000586	000587	000588	000589	000590	000591	000592	000593	000594	000595	000596	000597	000598	000599	000600	000601	000602	000603	000604	000605	000606	000607	000608	000609	000610	000611	000612	000613	000614	000615	000616	000617	000618	000619	000620	000621	000622	000623	000624	000625	000626
-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	
\$ 6.24	
 	
Sent To <input type="text" value="National Appeals Division"/> <input type="text" value="Street, Apt. No.:"/> <input type="text" value="or PO Box No.:"/> <input type="text" value="P.O. Box 68806"/> City, State, ZIP+4 <input type="text" value="Indianapolis, IN 46268-0806"/>	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature  X <i>E. Mueller</i></p> <p>B. Received by (Printed Name) <i>Erin A. Mueller</i></p> <p>C. Date of Delivery <i>MAY 01 2009</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (YES, enter delivery address below: <i>2</i>)</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to:	National Appeals Division P.O. Box 68806 Indianapolis, IN <i>46268-0806</i>		
2. Article Number (Transfer from service label)	7005 3110 0000 0501 8919		



U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only. No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ _____
Certified Fee	\$ _____
Return Receipt Fee (Endorsement Required)	\$ _____
Restricted Delivery Fee (Endorsement Required)	\$ _____
Total Postage & Fees	\$ 6.24
	
Sent To U.S. Attorney General Street, Apt. No.: _____ or PO Box No. _____ 950 Pennsylvania Ave NW City, State, ZIP-4 Washington D.C. 20530-0001	

SENDER: COMPLETE THIS SECTION		2009-4112 MSS	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: U.S. Attorney General 950 Pennsylvania Avenue Washington D.C. 20530-0001		A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
2. Article Number <i>(Transfer from service label)</i>		B. Received by (Printed Name) MAY 14 2009 C. Date of Delivery	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: NO	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7005 3110 0000 0501-9336	

PS-5 2811-7 2811

Domestic Return Receipt

PS Form 3811, February 1964

102595-02-M-1540

